

## HEARTH Act Broadens HUD Definition of Homelessness

President Obama signed the HEARTH Act (Homeless Emergency Assistance and Rapid Transition to Housing) into law on May 20, 2009, and with the stroke of a pen added potentially millions of people to the numbers of individuals and families who will qualify for housing assistance through programs such as Shelter Plus Care and Supportive Housing Program.

The definition of homelessness currently used by HUD, which has been narrowed down several times over the past five years, includes persons sleeping in emergency shelters or in places not meant for human habitation, such as cars, parks, bus stops and similar situations. A person is also deemed to be homeless if she lives in a transitional housing program or has lived in an institution such as an in-patient treatment setting for 30 days or less; but she must have come from a shelter or 'the street' originally to those settings in order to qualify as homeless.

The new definition brings HUD much more closely in line with the definitions used by other federal agencies. The provisions of the HEARTH Act, which still must be implemented by new regulations from HUD, state that a person or family is homeless if they:

- Lack a fixed, regular, and adequate nighttime residence;
- Use as a primary nighttime residence a public or private place not intended as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
- Live in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);
- Reside in a shelter or place not meant for human habitation and are exiting an institution where they temporarily resided;
- Will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations; and

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- Are homeless as defined in other Federal statutes and who have experienced a long term period without living independently in permanent housing, have experienced persistent instability, and can be expected to continue in such status for an extended period of time.

This new definition broadens the scope of homelessness more widely than HUD has ever designated it before. It adds back into the definition the idea of imminent eviction from rental housing, which was eliminated several years ago. It appears to classify transitional housing itself as a homeless setting, removing the current requirement that persons in transitional housing must originate from shelter or street homelessness to qualify as homeless.

Most significantly, the HEARTH Act recognizes as homeless the large number of individuals and families who rely on friends and family for shelter, living in overcrowded and doubled-up situations and moving around frequently from house to house. "Housing News" reported on a [study](#) in the [Spring 2009](#) issue that concluded that 1.5 million children in the U.S. had experienced homelessness during the period 2005-2006. That report used the U.S. Department of Education's homelessness criteria, which is similar to that expressed in the HEARTH Act. Given the figure of 1.5 million homeless children, which does not count their parents or any unaccompanied minors, the additional number of people who will be considered homeless under the new definition could easily exceed two million.

Some advocacy agencies, such as the National Alliance to End Homelessness, have said that the HEARTH Act "[modestly expands the definition of homeless](#)". For those of us who have worked with HUD's definition of homelessness for the last few years and seen it gradually narrow, this sudden expansion seems like a significant change. Many also see the new definition as overly restrictive and bureaucratic. The National Association for the Education of Homeless Youth and Children [published a position](#) on the HEARTH Act definition that states, "...mobility and housing instability harms children and youth's social, emotional, and academic well-being; requiring multiple moves and a long period of housing instability as a condition of eligibility for HUD homeless assistance puts these children and youth at further risk of harm."

The HEARTH Act requires HUD to promulgate implementing regulations within six months of its passage. The due date for the new regulations is November 20, 2009; as of this writing no public comment period on proposed regulations has been initiated. 🏠



## HUD Continuum of Care NOFA Published



[HUD](#) published the Continuum of Care (CoC) portion of what used to be called the 'Super NOFA' on September 25, 2009, making available \$1.43 billion in homeless assistance funds to CoC's across the nation. The original due date was November 9, 2009, but that was changed by a Notice of Technical Correction issued on October 26<sup>th</sup> to November 25, 2009.

Every prospective applicant for these funds needs to see what changes HUD has made in the latest Notice of Funds Available announcement, and

2009 is no different: [the latest NOFA](#) has several significant changes from past years that affect eligibility and how applications are submitted.

**Safe Havens.** HUD-funded Safe Havens are supportive housing programs for hard-to-serve chronically homeless persons with disabilities. In the past HUD has said that Safe Havens are permanent housing. This has been an obstacle to transitioning people out of Safe Havens and into HUD-funded permanent housing programs such as Shelter Plus Care because HUD didn't consider people in Safe Havens to be homeless. In the 2009 NOFA this has changed. HUD has stated that Safe Havens are no longer considered permanent housing, or transitional housing. The NOFA states, "The term 'homeless' in this case means a person sleeping in a place not meant for human habitation (e.g., living on the streets), in an emergency homeless shelter, or in a Safe Haven..." This means that a Safe Haven is now considered by HUD to be a form of emergency housing, so anyone who is resident in such a program is eligible for Shelter Plus Care on the basis of homelessness (income and disability would still have to be verified). In communities where Safe Havens play a significant role in housing chronically homeless persons, this represents a big improvement in assisting those persons into independent living.

**Renewal Funding for Existing Grants.** HUD has considerably streamlined the process of applying for renewal funds. CoC's no longer need to rank existing projects applying for renewal funds. CoC's only need to verify basic information and verify the proposed term of the renewal period. About two-thirds of DMH's 30 Shelter Plus Care grants are in renewal status, and it took only a couple of days to prepare these applications in the e-snaps system (HUD's online application system).

**Permanent Housing Bonus.** The former 'Samaritan' Bonus awarded to applicants with a project serving chronically homeless persons exclusively is now the 'Permanent Housing' Bonus. This change essentially opens the use of these bonus funds for projects that serve non-chronically homeless persons and families as well as chronically homeless individuals. The NOFA states that HUD still "strongly

DMH HOUSING UNIT ■  
Liz Hagar-Mace, Director  
Dirk Cable,  
Newsletter Editor

Mail ■  
1706 East Elm St.  
PO Box 867  
Jefferson City 65101

Phone ■ 573-751-9206

[Web](#) ■

Email ■  
[housing@dmh.mo.gov](mailto:housing@dmh.mo.gov)

**Watch for Revised DMH Housing Manual and Applications in January 2010**


DMH Housing is working on a revision of its Housing Manual and its applications for Shelter Plus Care (SPC) and the Rental Assistance Program (RAP). We expect to have these documents available on our Web site by January 2010.

The revisions are prompted by the changes coming about as a result of the HEARTH Act; and partly because our programs have evolved over time and we need to document those changes for our partners.

The Housing Manual is primary source material for how we administer the SPC and RAP programs. It is written for two audiences: the agencies that contract with DMH to run these programs locally—our ‘Processing Centers’—and case managers involved in providing support services. Anyone who wants to know what our policies and procedures are can download the Manual.

The current Housing Manual resides at the [DMH Housing Web site](#).



encourages” CoC’s to devote a portion of the funds to projects serving chronically homeless persons. 

## Federal Stimulus Funds for Homeless Prevention Making an Impact

Homeless Prevention and Rapid Re-Housing Program (HPRP) funds, \$1.5 billion dollars worth, are making their way into the hands of homeless service providers after months of planning and set-up time. HPRP is funded by the Homeless Prevention Fund (HPF) created under Title XII of Division A of the American Recovery and Reinvestment Act (ARRA) of 2009.

The primary purpose of these funds is to prevent homelessness. They can be used for a variety of specific purposes, including rental assistance, case management, housing search, motel vouchers, security deposits and utility payments.

The State of Missouri as a whole received \$27,263,384, but funds were distributed according to the same formula used for the federal Emergency Shelter Grant Program—meaning that certain metropolitan areas received the majority of the funds while the State itself received a separate per-county distribution. The funds were initially distributed as follows:

State of Missouri .....	\$12,011,262
Kansas City.....	\$3,628,139
Springfield .....	\$551,673
St Joseph.....	\$727,371
St Louis City .....	\$8,156,188
St Louis County.....	\$2,188,751

A [complete list of funds distributed throughout the United States](#) is at HUD’s Web site. The State of Missouri figure does not include funds distributed to the counties containing the listed metropolitan areas.

State funds have been distributed by the Missouri Department of Social Services, while other jurisdictions have conducted their own processes for interested agencies to apply for the funds. For instance, in St. Joseph, the City of St. Joseph sought the input of the Homeless Coalition/Continuum of Care group to make recommendations on how St. Joseph’s share should be distributed. Five agencies applied for the funds, and all received funding based on their proposals; Interserv and Community Action Partnership received the two largest amounts and will use the funds to do front-line types of homeless prevention: rental assistance, security deposits, and utility assistance, to name a few.

On October 6, 2009, the City of St. Louis announced the availability of its HPRP funds with a reception in the rotunda at City Hall. The St. Louis program has been christened, “Hope Is Moving In,” and the city expects it to prevent homeless for





**Disability Groups Win  
Landmark Case Affirming  
Rights of People With  
Mental Disabilities in State-  
Funded Adult Homes**


[The Bazelon Center for  
Mental Health Law](#)

reported in September on a landmark case involving the rights of people with mental illness disabilities housed by states to live in settings that allow for community integration. A federal district judge ruled in [DAI v. Paterson](#) that the State of New York was not providing services in the most integrated setting to thousands with mental illnesses living in private 'adult homes' paid for by the state. Applying the U.S. Supreme Court's decision in the 1999 [Olmstead](#) case, the court held that despite the state's labeling of these board-and-care homes as community-integrated, they "do not enable interaction with nondisabled persons to the fullest extent possible" and thus the state's use of them violates the Americans with Disabilities Act (ADA).

A remedy for the current practices of isolation in these for-profit facilities

*(Continued on next page, left column)*

some 10,000 city residents over the next three years. Four community schools—Clay, Mullanphy, and Sigel Elementary Schools and Stevens Middle School—will serve as hubs for different parts of the city where people can go to apply for assistance.

For more information about the Hope Is Moving In project, call 314-657-1704 or visit [hopeismovingin.com](http://hopeismovingin.com). For information about funds available in the metropolitan areas listed above, contact the city governments of those cities or of other cities within those counties. For information about funds distributed to the non-metropolitan counties in the state, [visit the DSS Web site](#) or contact the Missouri Department of Social Services at 573-751-4815. 

## Kansas City Power and Light Announces 'Economic Relief Program'

Kansas City Power and Light (KCP&L) announced in early September a new program to help Missouri KCP&L customers with their monthly electric bills. The program, called the Economic Relief Program (ERP), will provide a monthly credit of up to \$50 for up to twelve months to qualified customers. To qualify, a customer must:

- Have an active Missouri KCP&L residential account;
- Be at or below 185% of the federal poverty level;
- Be current on their KCP&L bill or have a current payment arrangement with KCP&L ; and
- Have no history of tampering, diversion or fraud

The program is designed to help customers who need an extra hand because of the economy. Customers who are disconnected for non-payment or other mishandling of their account while on the program will not be able to re-apply.


KCP&L is partnering with The Salvation Army for the application portion of the program. Beginning September 1, 2009, customers could begin to apply at one of The Salvation Army sites listed below. Customer should call the appropriate Salvation Army site to make an appointment to complete the application, and bring proof of income to the appointment.

Customers who are not near one of the application sites or who are unable to visit an application site may call the Salvation Army at 800-336-4547, extension 416, to request an application be mailed to them.

The application sites are:

will be proposed to the court in the near future.

Advocates filed the class action case in the U.S. District Court for the Eastern District of New York in 2003. The suit sought alternative services for adult home residents including, especially, the creation of additional permanent housing with supportive services. Providing supportive services to people living in their own apartments in the community costs no more than the segregated care that New York often provides in adult homes. In fact, it may cost much less.

A DMH Housing Unit priority for many years has been to provide technical assistance to agencies seeking to create the kind of permanent supportive housing sought by the plaintiffs in *DAI v. Paterson*. DMH Housing estimates there are around 300 such units available in Missouri currently with several new applications now underway. The need is on the order of 5000 such units. 

<b><u>Excelsior Springs</u></b> Excelsior Springs Salvation Army Site 108 W Broadway Excelsior Springs, MO 64024 816-630-4155 Contact: Kathy Howe	<b><u>Grandview</u></b> Southland Corps 6111 E 129th Street Grandview, MO 64030 816-966-8300 Contact: Lisa Cable
<b><u>Independence</u></b> Independence Corps 14700 E Truman Rd. Independence, MO 64050 816-252-3200 Contact: Kimberly Robinson	<b><u>Kansas City</u></b> Bellefontaine Corps 3013 E 9 <sup>th</sup> KCMO 64124 816-483-8484 Contact: Rick Harris
<b><u>Kansas City</u></b> Blue Valley Corps 6618 E Truman Rd. KCMO 64126 816-241-6485 Contact: Chy Cervantes	<b><u>Kansas City</u></b> <b>Northland Corps</b> 5306 North Oak Trfwy KCMO 64118 816-452-5663 Contact: Joe Story
<b><u>Kansas City</u></b> Westport Corps 500 W 39th Street KCMO 64111 816-753-6040 Contact: Kimalee Carroll	<b><u>Liberty</u></b> Liberty Salvation Army Site 1838 W 152 Highway Liberty, MO 64068 816-781-6357 Contact: Brittany Voight
<b><u>Maryville</u></b> Community Services, Inc 1212 B South Main Maryville, MO 64468 660-582-3113 Contact: Kim Kreps, Denise Redden, Dave Weichin	<b><u>Mound City</u></b> Community Services, Inc 105 W. 6th Mound City, MO 64470 660-442-5722 Contact: Heather Russell
<b><u>Richmond</u></b> Richmond Salvation Army Site 104 E North Main Richmond, MO 64085 816-470-8227 Contact: Judy Zilliox	<b><u>Savannah</u></b> Community Action 306 N 4th Street Savannah, MO 64485 816-324-3473 Contact: Sally Green
<b><u>St. Joseph</u></b> St. Joseph Corps 602 Messanie Street St. Joseph, MO 64052 816-232-5824 Contact: Theresa McDowell	<b><u>Tarkio</u></b> Community Services, Inc 101 Walnut Tarkio, MO 64491 660-736-4646 Contact: Sally Wehmann 



## St. Joseph's Haven Opens Its Doors

[Interserv](#) of St. Joseph recently completed construction on and opened St. Joseph's Haven, a housing program for men that is classified as a Safe Haven by HUD. Sharing the same 'campus' as Juda House, the two programs have been a milestone for Interserv, which will mark 100 years of community service in November. "Housing News" presented a short history of Interserv in the [October 2008 issue](#).

I asked Randy Sharp, Associate Director of Interserv, for some thoughts on the new Haven. This is what he sent me, unedited.



Juda House and Haven staff Barb Bigelow, Trish Edwards, Randy Sharp, Mechelle Wallace and Jeanne Archer

The Haven's groundbreaking was held July 17, 2008; construction started in September 2008. The project was funded by HUD, Buchanan County, Missouri Housing Trust Fund, the City of St. Joseph, Kenny Trust, Heartland Health System, Order of Malta, William T. Kemper Foundation, Commerce Bank, Hillyard Companies, the local faith community, and local trusts and foundations. 🏠

"St. Joseph's Haven opened on Sept 9<sup>th</sup>, a Wednesday morning. There was great anticipation for the opening by the men who were ready to move in. As early as 7am one man was waiting at the door with his belongings, he had been living on the river or in abandoned buildings for several months. He is a younger man with several issues and some developmental problems. He was ready to have a home and was grateful to have a place to call home. By the end of that first week the Haven was full and had a waiting list. We now have a waiting list of 40 men who are on the list for an opening in the Haven or at Juda House. Just in these first two months we have seen men making strides toward independence. That doesn't mean that they don't have setbacks and simply having a bed won't instantly solve years of dysfunction.

"Life on the street is hard and the adjustment from homelessness to a home is traumatic in its own ways. We see the men adapting and growing used to the idea of stability in little ways you might not think of. Sports for example. A staff member noticed that the men were not that interested in an exciting slate of college football games on a Saturday afternoon. They will watch the Chiefs game but maybe not other teams around the NFL. Then it hit us, they have been unable to keep up with national sports, they hear about the Chiefs because everyone around here talks about the local pro team. But they haven't been sitting in front of a TV watching football on a weekend for a long time – they don't have a national perspective on sports, or news or new TV sitcoms. So now we begin the process of connecting them to a perspective that is national for sports and news. Because if you get used to knowing what is happening in the world around you that is another reason to fight to remain in housing and remain stable – you have something to lose. For many of our men, they have had so little for so long that the concept of something to lose has been all but forgotten."